

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
CIVIL ACTION NO. 3:09-CV-351-RJC-DCK**

MAURICE W. MILLER,
Plaintiff,

v.

MICHAEL J. ASTRUE,
Commissioner of Social Security,
Defendant.

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ORDER

THIS MATTER IS BEFORE THE COURT on Plaintiff's "Motion For Fees Under The Equal Access To Justice Act 28 U.S.C. § 2412(d)(1)(A)" (Document No. 16) filed on February 17, 2011, and "Defendant's Response To Plaintiff's Motion For Attorney's Fees Under The Equal Access To Justice Act, 28 U.S.C. § 2412(d) (Document No 18) filed February 28, 2011. Defendant does not object to an award of attorney's fees to Plaintiff under EAJA in the amount of four-thousand eight-hundred twenty-seven dollars and ninety-one cents (\$4,827.91). Therefore, it is ordered that an award of attorney's fees under EAJA in the amount of four-thousand eight-hundred twenty-seven dollars and ninety-one cents (\$4,827.91) be made to Plaintiff.

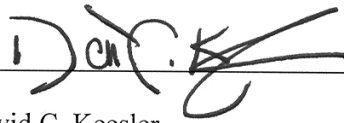
Pursuant to Comm'r of Soc. Sec. v. Ratliff, 560 U.S. ----, 130 S.Ct. 2521 (2010), the fee award will first be subject to offset of any debt Plaintiff may owe to the United States. Defendant will determine within 30 days of this order whether Plaintiff owes a debt to the United States. If so, the debt will be satisfied first, and if any funds remain, they will be made payable to Plaintiff and mailed to Plaintiff's counsel. If the United States Department of the Treasury reports to the Commissioner that Plaintiff does not owe a federal debt, the government will exercise its discretion and honor the assignment of EAJA fees, and pay the awarded fees directly to Plaintiff's counsel.

IT IS, THEREFORE, ORDERED that Plaintiff's "Motion For Fees Under The Equal Access To Justice Act 28 U.S.C. § 2412(d)(1)(A)" (Document No. 16) is **GRANTED**.

This provides full settlement in satisfaction of any and all claims for attorney's fees under EAJA. No additional petition pursuant to 28 U.S.C. § 2412(d) shall be filed.

SO ORDERED.

Signed: February 28, 2011



David C. Keesler
United States Magistrate Judge

